

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

**SYMBOLOGY INNOVATIONS, LLC,**

**Plaintiff,**

**v.**

**MICHAELS STORES, INC.,**

**Defendant.**

**CASE NO. 1:21-CV-00412-LY**

**JURY TRIAL DEMANDED**

**MICHAELS STORES, INC.'S RULE 12(b)(6)  
MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

Defendant Michaels Stores, Inc. (“Michaels”) respectfully moves this Court to dismiss Plaintiff Symbology Innovations, LLC’s (“Symbology”) Complaint, pursuant to Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim upon which relief can be granted.

The grounds for this motion are further set forth in Michaels’ Memorandum of Law in Support of its Motion to Dismiss for Failure to State a Claim, which is being filed contemporaneously herewith.

Dated: June 3, 2021

Respectfully submitted,

/s/ Neil J. McNabnay

Neil J. McNabnay

Ricardo J. Bonilla

Rodeen Talebi

Sarika Patel

mcnabnay@fr.com

rbonilla@fr.com

talebi@fr.com

patel@fr.com

**FISH & RICHARDSON P.C.**

1717 Main Street, Suite 5000

Dallas, Texas 19001

(214) 747-5070 (Telephone)

(214) 747-2091 (Facsimile)

ATTORNEYS FOR DEFENDANT  
MICHAELS STORES, INC.

**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that a true and correct copy has been electronically filed using the CM/ECF filing system on June 3, 2021 which automatically sends email notifications to all counsel of record and which will permit viewing and downloading of same from the CM/ECF system.

/s/ Neil J. McNabnay

Neil J. McNabnay